

## **DETAILED ACTION**

### **Claim Rejections 35 USC 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5,7 ,9-12,15-18,20,22-23,25-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao 20010056374.

As per claim 1

Joao (374) discloses:

A method of facilitating delivery of content from a content provider to a user, said method comprising the steps of: negotiating an agreement between the content provider and the user to provide content to the user and to provide compensation to the user for receiving the content, wherein the content comprises at least one advertisement. See (paragraph 0271 and 0326)

As per claim 2 and 17

Joao (374) discloses

A method, wherein the content comprises at least one selected from the group consisting of: a telephone message including an advertisement, an email message including an advertisement, and an on-line advertisement. See paragraph (0024,0025,0026 and 0046)

As per claim 3

Joao (374) discloses:

A method of facilitating delivery of content from a content provider to a user, said method comprising the steps of:

Receiving authorization from the user to represent the user to the content provider; see (paragraphs 0049 and 0320)

Negotiating an agreement between the content provider and the user to provide content to the user. See (paragraphs 0049 and 0320)

As per claim 4 and 11

Joao (374) discloses

A method, further comprising the step of the content provider providing the content to the user.

See paragraph 0177 and 0188

As per claim 5, 10, 12 and 23

Joao (374) discloses

A method, further comprising the step of providing compensation to the user for receiving the content.

See paragraph 0060, 0055,0193 and 0232

As per claim 7

Joao (374) discloses:

The method of Claim 6, wherein the step of negotiating an agreement further comprises the steps of:

Receiving an offer from the content provider to provide content to the user; see (paragraph 0049 and 0253)

accepting the offer on behalf of the user based on the user profile

See (paragraph 0049 and 0253)

As per claim 9

Joao (374) discloses:

A method of promoting a user for receiving content from a content provider, said method comprising the steps of:

receiving authorization from the user to represent the user to the content provider; see (paragraphs 0049,0253 and 0256)

Receiving an offer from the content provider to provide content to the user; see (paragraphs 0049,0253 and 0256)

communicating acceptance of the offer to the content provider on behalf of the user; and see (paragraphs 0049,0253 and 0256)

Providing the content to the user, see (paragraphs 0049,0253 and 0256).

As per claim 15

Joao (374) discloses:

A method, wherein the content comprises a telephone message including an advertisement. See (paragraph 0046, 0128 and 0319)

As per claim 16

Joao (374) discloses:

A method, wherein the content comprises an email message including an advertisement. See (paragraph 0046)

As per claim 17

Joao (374) discloses:

A method, wherein the content comprises an on-line advertisement. See (paragraph 0025)

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As per claim 18

Joao (374) discloses:

The method of Claim 9, wherein the step of providing the content to the user further comprises the step of the user contacting the content provider. See (paragraph 0177)

As per claim 20, 25 and 29

Joao (374) discloses

A method, further comprising steps of:

calculating the compensation based on the content provided to the user; see paragraph 0104,0199 and 0201

And crediting the user account with the compensation. See paragraph 0104,0199 and 0201

As per claim 22

Joao (374) discloses:

A method, further comprising the step of communicating a counter-offer to the first content provider on behalf of the user. See (paragraph 0049)

As per claim 26

Joao (374) discloses:

The method of Claim 21, further comprising the step of communicating to a second content provider a demand to cease providing content to the user. See (paragraph 0227)

As per claim 27

Joao (374) discloses:

A computer readable medium containing program instructions for: receiving authorization from a user to represent the user to a content provider; see (paragraphs 0049,0253 and 0256).

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Receiving an offer from the content provider to provide content to the user; see (paragraphs 0049,0253 and 0256).

Communicating acceptance of the offer to the content provider on behalf of the user; see (paragraphs 0049,0253 and 0256).

### **Claim Rejections 35 USC 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6,8,13-14,19,21,24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (374) as applied to claims 1,3,9,21 and 27 above, and further in view of Mayadas 20010039515.

As per claim 6

Joao (374) does not specifically disclose establishing a user account and that user accepting conditions.

Mayadas (515) teaches a registration process for user in order to receive advertisements. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Joao (374) to include a registration process for the benefit of having the users agree to conditions for receiving the advertisements. See paragraph 0031 and 0033

As per claim 8, 13,21 and 28

Joao (374) does not specifically disclose establishing a user account or profile and permitting access to the user profile or account.

Mayadas (515) teaches about establishing a user account or profile and permitting access to the user profile. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Joao (374) invention to include the step of establishing a users profile for the benefit of accessing that users profile for user information and preferences. See paragraph 0032, 0035, 0036, 0174 and 0175

As per claim 14

Joao (374) does not specifically disclose collecting data related to the user and storing that data in an accessible location.

Mayadas (515) teaches a method of creating a user profile and string the data in an accessible location. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Joao (374) invention to include the step of creating a user profile and storing it for the benefit of that profile being accessible to all users and providers in the network. See paragraph 0027, 0032 and 0033

3. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (374) and Mayadas (515), and further in view of McGuire et al 20030023489.

As per claims 19 and 24

Joao (374) does not specifically disclose tracking the advertisement content. McGuire et al (489) teaches a method for tracking the content provided to the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Joao (374) to include the tracking method for the benefit of tracking the advertisement and other information provided to the user by the advertisers. See (paragraph 0058)

#### **Other arts cited but not used**

Gupta 5,333,186

Golden et al 5,761,648

Scrogie et al 6,014,634

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Kanter 5,537,314  
Rofrano 6,035,283

## **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stacie D. Gatling whose telephone number is 571-270-1575. The examiner can normally be reached on Monday - Friday; 8:30am-4: 30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas A Dixon/  
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Stacie D. Gatling  
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